

OFFICE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PA

X

YAN SHAO,

Plaintiff/Appellee,

Middle District Case
No. 1:00-CV-1901
(Judge Rambo)

v.

CUCCIA, et al.

Defendant/Appellant.

X

Opposition to
Motion to Compel Complete
Responses from Charles Day

FILED
HARRISBURG, PA

DEC 02 2002

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

Plaintiff's motion to Compel Complete Responses should be denied as moot.

On November 12, 2002, I responded to plaintiff's requests for Interrogatories. By letter dated November 14, 2002 and received by me on November 17, 2002, plaintiff suggested that he deemed my responses incomplete and inadequate and that he would seek court intervention.

On November 18, 2002, I supplemented my responses to plaintiff's interrogatories specifically supplementing those responses plaintiff deemed incomplete. A copy of my supplemental responses are annexed hereto. On November 19, 2002, I served the supplemental responses on plaintiff by First Class Mail. In addition, I attempted to serve the responses by facsimile on November 18, 2002, however, as evidenced by the attached

facsimile transmission report, plaintiff's facsimile did not respond.

Accordingly, plaintiff's motion to compel should be denied on the grounds that it is moot.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Charles Day', written over the typed name.

Charles Day
Defendant Pro Se
80-100 Tryon Place
Jamaica, New York 11432
(212) 274-8408

Dear Mr. Cook:

Please find the following additions to my discovery. I acknowledge that some answers are incomplete due to my lack of knowledge, if and when I find these items I will inform you.

- Items 3 & 4: 9/1/69; 067-56-7926
- Item 6: 212-274-8408; 212-274-9960; 212-625-8628
- Item 7: I do not have a formal business address but for per diem matters and telephone answering service the address used in 30 E. Broadway, NY, NY 10002.
- Item 7a: See Item 7.
- Item 7b: As you well know: Ferro & Cuccia, 325 Broadway, NY, NY 10007.
- Item 9: Both accounts are dormant and copies of statements have yet to be found.
- Item 16a: See above.
- Item 16d: The amount of income earned/derived in the past 12 months is unknown. No quarterly taxes have been filed. No financial statement is currently available. It doubtful whether one will even be made aside from taxes at the end of the year. Therefore the answer is 'currently unknown.'
- Item 17: The judgment was a confession of judgment which may or may not have been filed. The judgment creditor is Joseph Chiaramonte.
- Items 18, 20-23: I continue my objections to these answers.

HP OfficeJet
Personal Printer/Fax/Copier/Scanner

Fax History Report for
aharles Day esq
212-274-9960
Nov 18 2002 6:10pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 18	6:09pm	Sent	14106839469	0:00	0	No answer

HP OfficeJet
Personal Printer/Fax/Copier/Scanner

Fax History Report for
aharles Day esq
212-274-9960
Nov 18 2002 5:17pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 18	5:16pm	Sent	14106839469	0:00	0	No answer

HP OfficeJet
Personal Printer/Fax/Copier/Scanner

Fax History Report for
aharles Day esq
212-274-9960
Nov 18 2002 5:15pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 18	5:14pm	Sent	14106839469	0:00	0	No answer

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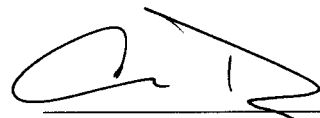
I certify that on November 27, 2002, I served the within by First Class US Mail

**Opposition to
Motion to Compel Complete
Responses from Charles Day**

in a properly addressed envelope with proper postage on the plaintiff at

Richard B. Cook, Esq.
17 Jonathan's Court
Hunt Valley, Maryland 21030

Dated: November 27, 2002
New York, New York


Charles Day
Defendant Pro Se
80-100 Tryon Place
Jamaica, New York
(212) 274-8408